

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**HELEN L. COBBS**

**Plaintiff,**

**v.**

**FIRST TRANSIT, INC., *et al.***

**Defendants.**

**Case No. 6:16-cv-00015-NKM**

**DEFENDANT FIRST TRANSIT'S 26(A)(3) DISCLOSURES**

Defendant First Transit, Inc. ("First Transit"), by and through its counsel, and pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, hereby submit its pretrial disclosures.

**WITNESSES**

Defendant expects to call the following witnesses to testify at trial:

- (a) Helen L. Cobbs**  
c/o Steven D. McFadgen Sr.  
McFadgen Law, PLC  
3831 Old Forest Road, Suite 6  
Lynchburg, VA 24501  
(434) 385-4579
- (b) Dennis Dorsey (Former Assistant General Manager, First Transit)**  
c/o Eunju Park, S. Libby Henninger  
815 Connecticut Avenue, NW  
Suite 400  
Washington, DC 20006  
(202) 842-3400
- (c) Karen Walton (Former General Manager, First Transit)**  
c/o Eunju Park, S. Libby Henninger  
815 Connecticut Avenue, NW  
Suite 400  
Washington, DC 20006  
(202) 842-3400

(d) **Gloria Berkley (Human Resources Manager, CVTMC)**  
c/o Thomas G. Bell, Jr.  
Timberlake Smith  
25 North Central Ave  
Staunton, VA 24401  
(540) 885-1517

Defendant may call the following witness to testify at trial if the need arises:

(a) **Allen Robey (Director of Transportation, CVTMC)**  
c/o Thomas G. Bell, Jr.  
Timberlake Smith  
25 North Central Ave  
Staunton, VA 24401  
(540) 885-1517

Defendant reserves the right to call any witness listed on Plaintiff's witness list during its case in chief or for impeachment or rebuttal purposes. Defendant also reserves the right to call additional witnesses not listed here for impeachment or rebuttal purposes and as otherwise allowed by the Federal Rules of Civil Procedure and the Local Rules of this Court.

### **EXHIBITS**

Defendant may offer the following documents and other exhibits into evidence at trial if the need arises:

<b>EXHIBIT</b>	<b>BATES NO. or OTHER IDENTIFIER</b>
Plaintiff's Complaint	ECF No. 5
Relevant portions of the Management Agreement between Greater Lynchburg Transit Company ("GLTC"), First Transit, and Central Virginia Transit Management Company ("CVTMC")	FT_000098-100, 105
Relevant portions of First Transit's Employee Handbook	FT_000006, 00013-14, 00023-26
Collective Bargaining Agreement	Ex. No. 1 from Deposition of Charles Hudson
Grievance documentation	Ex. No. 2 from Deposition of Charles Hudson
CVTMC Harassment Policy	Ex. No. 2 from Deposition of Plaintiff
December 12, 2013 Doctor's Note from Physicians Treatment Center	Ex. No. 7 from Deposition of Plaintiff
Handwritten schedules in March 2014	Ex. No. 9 from Deposition of Plaintiff
Handwritten letters dated March 7, 2014;	Ex. No. 10 from Deposition of Plaintiff

<b>EXHIBIT</b>	<b>BATES NO. or OTHER IDENTIFIER</b>
March 22, 2014	
Screenshots of text messages and Christmas card	Ex. No. 12 from Deposition of Plaintiff
Letters from Summer 2014 Furlough	Ex. No. 13 from Deposition of Plaintiff
Miss-out write-ups in 2014	Ex. No. 14 from Deposition of Plaintiff
September 26, 2014 write-up and supporting documents	Ex. No. 15 from Deposition of Plaintiff
Resignation Letter of Plaintiff	Ex. No. 18 from Deposition of Plaintiff
Documents related to February 2014 time period and physician's notes	Ex. No. 22 from Deposition of Plaintiff
Plaintiff's work history for 2014	Ex. No. 2 from Deposition of Gloria Berkley
Plaintiff's workers' compensation documentation from CVTMC	Ex. No. 3 from Deposition of Gloria Berkley
Group of emails and timeline	Ex. No. 1 from Deposition of Karen Walton (FT 000087-000092)
Handwritten note by Plaintiff to Gloria Berkley and Gloria Berkley's handwritten investigation notes	Ex. N from Declaration of Eunju Park (ECF No. 60-17)
Letters produced by Plaintiff	Ex. O from Declaration of Eunju Park (ECF No. 60-18)
Furlough seniority list and handwritten notes by Gloria Berkley	Ex. Q from Declaration of Eunju Park (ECF No. 60-20)
Disability insurance claim form by Plaintiff	Ex. V from Declaration of Eunju Park (ECF No. 60-25)

Defendant reserves the right to proffer or use any exhibit listed on Plaintiff's exhibit list during its case in chief or for impeachment or rebuttal purposes. Defendant also reserves the right to supplement this list with any additional exhibits for impeachment or rebuttal purposes and as otherwise allowed by the Federal Rules of Civil Procedure and the Local Rules of the Court. All exhibits have either been produced in discovery or are available for inspection.

Defendant further reserves the right to update and revise the exhibit list, pending the result of its Motion for Summary Judgment.

Dated: July 28, 2017

Respectfully submitted,

/s/ Eunju Park

Eunju Park (Bar No. 87890)

S. Libby Henninger (Admitted *Pro Hac Vice*)

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*Attorneys for Defendants*

*First Transit, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of July, 2017, a copy of the foregoing Defendant First Transit's 26(a)(3) Pretrial Disclosures was filed with the Clerk of Court using the CM/ECF system sending notice to the following counsel of record:

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*Attorney for Central Virginia Transit Management Co., Inc.  
and Greater Lynchburg Transit Co.*

/s/ Eunju Park

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